

**REMARKS**

Claims 1-18 are pending in this application. The Examiner rejected Claims 1-18 under 35 U.S.C. 103(a). Applicant has amended independent Claims 1, 5, 9, 13, 14, 15 and 18 in the foregoing amendment.

**Submission of Certified Copy of Priority Document**

Applicant is submitting a certified copy of the Japan 2000-76742 application to which this application claims priority under separate cover.

**Specification**

The Examiner objected to the specification asserting that the specification, as well as the claims, include portions in which there is not a space between words. Applicant herewith encloses a replacement set of the original specification, claims and abstract with clearer spacing as an Appendix.

**Bernard and Rose Do Not Show or Suggest  
the Invention of Claims 1-18**

The Examiner rejected Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,213 to Bernard ("*Bernard*") in view of U.S. Patent No. 5,708,709 to Rose ("*Rose*"). This rejection is traversed for the reasons discussed below.

**Claim 1**

The digital distribution method for transmitting digital contents representing an entity of a product over a network and, subsequently, delivering the product, according to amended Claim 1 requires that the digital content represents an entity of an ordered product. Neither of the references describe providing contents related to a product that has been ordered by a buyer.

*Bernard* describes an automated product purchasing and previewing system where users have an opportunity to preview a sample portion of the contents before or

without purchasing or renting the products (Column 3, lines 8-13 and lines 26-34). *Bernard* does not describe transmitting over the network a control program in which digital content represents an entity of an ordered product, as required by amended Claim 1.

On the other hand, *Rose* describes a “try and buy” system and method, which prevents users from disseminating executable copies of application programs to other end users. In *Rose*, a trial version of an application program that is intended to motivate a user to license the standard version is distributed over a communication channel. *Rose* describes limiting a period of time during which the trial application program is available to a user (Column 1, lines 13-62).

However, neither *Bernard* nor *Rose* shows or suggests incorporating the digital contents representing an entity of an ordered product into a control program controlling the digital contents and transmitting the control program over the network, as required by amended Claim 1. According to the invention of Claim 1, a user can receive digital contents representing the product for which the user has placed an order via a network, so that the user does not have to wait for the actual product to be delivered in order to access the contents of the ordered product. The digital contents become unavailable after the expiration of the anticipated delivery of the product. Neither *Bernard* nor *Rose* shows or suggests the invention of Claim 1 as described above. Thus, amended Claim 1 would not have been obvious to one of ordinary skill by the cited references at the time Applicant made the claimed invention. Thus, Claim 1 should be allowed.

#### **Claims 5, 9, 13-15 and 18**

Amended independent Claims 5, 9, 13-15 and 18 include recitations similar to that of Claim 1. The remarks made in support of the patentability of Claim 1 are also applicable to distinguish Claims 5, 9, 13-15 and 18 from *Bernard* and *Rose*. Accordingly, Claims 5, 9, 13-15 and 18 should also be allowed.

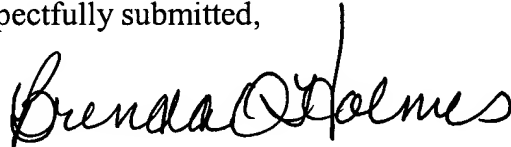
**Claims 2-4, 6-8, 10-12, and 16-17**

Claims 2-4, 6-8, 10-12, and 16-17 depend from independent Claims 1, 5, 9 or 14. The remarks made in support of the patentability of the independent claims are also applicable to distinguish the dependent claims from *Bernard* and *Rose*. Accordingly, Claims 2-4, 6-8, 10-12 and 16-17 should also be allowed.

**CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes". The signature is fluid and cursive, with a vertical line extending upwards from the end of the name.

By: Brenda O. Holmes  
Reg. No. 40,339

KILPATRICK STOCKTON LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
Our Docket: 44471/255154

Appln. No. 09/808,830

Response to Non-Final Office Action Mailed 08/24/2004

Appendix



Appendix